

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

Judy A. Miller, D.O.

Plaintiff(s),

vs.

Case No. CIV-10-471-RAW

Hospital Care
Consultants, Inc.,

and Erik Hemingway,

Defendant(s).

STIPULATION OF DISMISSAL

Plaintiff and Defendants file this Stipulation of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii).

1. Plaintiff is Judy A. Miller, D.O.; Defendants are Hospital Care Consultants, Inc. and Erik Hemingway.
2. On October 22, 2010, Plaintiff, Judy A. Miller, D.O. sued Defendants, Hospital Care Consultants, Inc and Erik Hemingway. On March 23, 2010 Defendant and counterclaimant Hospital Care Consultants, Inc. filed its counterclaim against Plaintiff, Judy A. Miller, D.O.
3. Plaintiff and Defendant Hospital Care Consultants, Inc. move to dismiss the suit and counterclaim.
4. Plaintiff and Defendants, who have answered, agreed to the dismissal of the suit and counterclaim.
5. This case is not a class action.
6. A receiver has not been appointed in this action.
7. This case is not governed by any federal statute that requires an order of the court for dismissal of the case.

8. Neither Plaintiff nor Defendant, Hospital Care Consultants, Inc. have dismissed an action based on or including the same claims as those presented in the present suit and/or counterclaim.
- 9 The dismissal of this suit and counterclaim is with prejudice to refiling.

Respectfully Submitted.

Smolen & Smolen & Roytman, PLLC
701 S. Cincinnati Avenue
Tulsa, OK 74119
(918) 585-2667
Fax: (918) 585-2669.

By: /s/ Daniel E. Smolen
Daniel E. Smolen
State Bar No. 19943

ATTORNEY FOR PLAINTIFF
JUDY A. MILLER, D.O.

STEWART DUGGER & DEAN, PLLC
1701 Market Street
Suite 200, LB 42
Dallas, Texas 75202
214-752-6995
214-752-6929 - Facsimile

By: /s/ Newton J. Jones
James M. Stewart
State Bar No. 19211100
Newton J. Jones
State Bar No. 10930300

ATTORNEY FOR DEFENDANTS
HOSPITAL CARE CONSULTANTS, INC. AND
ERIK HEMINGWAY